



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

January 30, 2012

HB2614
RELATING TO COMMERCIAL HARBORS.

HOUSE COMMITTEE ON TRANSPORTATION

The Department of Transportation (DOT) supports this administration bill to amend Chapter 266 to clarify that persons cited for non-criminal violations may appeal the citation and penalties pursuant to administrative procedures and not directly to District Court. Current procedures to enforce and collect penalties for traffic violations or criminal matters remain unchanged and appearances to answer these violations remain at the District Court.

In developing the administrative rules to implement Act 16, 2009 SLH, for the Director to regulate "safety and security requirements" and "other related activities", the DOT believes that §266-24.1, HRS should be amended to clarify that a purported violator may contest a safety and security violation at a administrative hearing and not answer the charge before the District Court.

Currently, the DOT is authorized to arrest or issue a citation pursuant to §708-813 through §708-815 (trespass violation) to a person for entering a secured facility without proper security credentials (Transportation Worker Identification Credential – "TWIC"). For a similar violation, the Airports Division is authorized to issue penalties for the trespass to an aircraft within the state airports pursuant to §261-91, HRS. The Harbors Division has no statutory provision regarding penalties for the trespass to vessels in restricted areas.

The DOT proposes in its bill that a person entering a secured facility without proper security credentials (Transportation Worker Identification Credential – "TWIC") would be issued a citation for the violation in security and issued a penalty pursuant to §266-25, HRS, Violation of rules, penalty and the appeal heard pursuant to HAR 19-42-57; the person would not be issued a citation for a trespass violation pursuant to §708-813 through §708-815 or appear in District Court to answer the charge.

HB 2614 also proposes that the DOT be reimbursed for a US Coast Guard fine issued pursuant to the maritime transportation act that caused the DOT to be fined for the violation by a harbor

agent, shipping agent, or shipper. All fines and penalties issued pursuant to Chapter 266 shall be deposited into the DOT special funds.

For the reasons stated above, the DOT requests your committee to support the passage of HB 2614.

